

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK UNGER,

Plaintiff,

v.

Case Number 08-10250
Honorable Thomas L. Ludington

MICHIGAN DEPARTMENT OF
HUMAN SERVICES,

Defendant.

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION TO DISMISS AND DISMISSING WITH
PREJUDICE PLAINTIFF'S COMPLAINT**

On February 5, 2009, Magistrate Judge R. Steven Whalen issued a report and recommendation that the Court grant Defendant's motion to dismiss because, inter alia, Plaintiff's claims are barred by the *Rooker-Feldman* doctrine and the doctrine of res judicata. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 21] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss [Dkt. # 15] is **GRANTED**.

Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 24, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 24, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS